

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION

UNITED STATES OF AMERICA, )  
                                )  
Plaintiff,                 )  
                                )      Criminal Action No.  
v.                            )      15-00228-01-CR-W-BP  
                                )  
YOUNG ISINWA,             )  
                                )  
Defendant.                 )

**MEMORANDUM OF MATTERS DISCUSSED AND  
ACTION TAKEN AT PRETRIAL CONFERENCE**

Pursuant to the order of the Court en banc of the United States District Court for the Western District of Missouri, a pretrial conference was held in the above-entitled cause before me on February 1, 2017. Defendant Young Isinwa appeared in person and with Assistant Federal Public Defender Travis Poindexter. The United States of America appeared by Assistant United States Attorney David Ketchmark and Sheldon Beer, Civil Rights Division.

***I. BACKGROUND***

On July 8, 2015, an indictment was returned charging defendant with one count of deprivation of civil rights, in violation of 18 U.S.C. § 242.

The following matters were discussed and action taken during the pretrial conference:

***II. TRIAL COUNSEL***

Mr. Ketchmark announced that he and Sheldon Beer will be the trial counsel for the government. The case agent to be seated at counsel table is FBI Special Agent Damian Martinez.

Mr. Poindexter announced that he will be the trial counsel for defendant Young Isinwa.

**III. *OUTSTANDING MOTIONS***

There is currently one motion pending for ruling, a motion in limine filed by the government on September 12, 2016 (document number 63).

**IV. *TRIAL WITNESSES***

Mr. Ketchmark announced that the government intends to call 5 witnesses with stipulations during the trial.

Mr. Poindexter announced that defendant Young Isinwa intends to call 3 witnesses during the trial. The defendant may testify.

**V. *TRIAL EXHIBITS***

Mr. Ketchmark announced that the government will offer approximately 20-25 exhibits in evidence during the trial.

Mr. Poindexter announced that defendant Young Isinwa will offer approximately 10 exhibits in evidence during the trial.

**VI. *RULE 404(b) EVIDENCE***

Mr. Ketchmark announced that the government will not offer 404(b) or res gestae evidence during the trial.

Mr. Poindexter announced that defendant Young Isinwa will offer 404(b) evidence during the trial.

## **VII. DEFENSES**

Mr. Poindexter announced that defendant Young Isinwa will rely on the defenses of general denial and self defense.

## **VIII. POSSIBLE DISPOSITION**

Mr. Poindexter stated this case is definitely for trial.

Mr. Ketchmark stated the government had proposed a plea agreement to defendant Young Isinwa.

## **IX. STIPULATIONS**

Stipulations have been executed in this case.

## **X. TRIAL TIME**

Counsel were in agreement that this case will take 3 days to try.

## **XI. EXHIBIT LIST, VOIR DIRE AND INSTRUCTIONS**

The U. S. Magistrate Judge ordered:

That, in addition to the requirements of the Stipulations and Orders filed December 30, 2015, counsel for each party file and serve a list of exhibits he intends to offer in evidence at the trial of this case on the form entitled Exhibit Index and have all available exhibits premarked using the stickers provided by the Clerk of Court by February 1, 2017;

That counsel for each party file and serve requested jury voir dire examination questions by 5:00 p.m. today, including highlighting any changes from the proposed voir dire submitted for the first trial.

That counsel for each party file and serve, in accordance with the requirements of Local Rule 51.1, requested jury instructions by 5:00 p.m. today, including highlighting any changes from the proposed jury instructions submitted for the first trial. Counsel are requested to provide proposed jury instructions in both hard copy form, as required by Local Rule 51.1, and by e-mail to the trial judge's courtroom deputy.

That each party file any additional signed stipulations by 5:00 p.m. today.

That beginning today the parties shall make available for the opposing party to inspect, copy or photograph (1) all premarked trial exhibits, (2) any written statements that will be used at trial, and (3) Rule 404(b) and res gestae evidence to be offered at trial.

**XII. UNUSUAL QUESTIONS OF LAW**

No additional motions in limine are anticipated. There are no unusual questions of law. A larger-than-normal jury panel may be needed based on the number of conflicts during the first trial. There is an outstanding issue concerning the verdict director in the jury instructions packet.

**XII. TRIAL SETTING**

This case is specially set to commence on February 6, 2017, before Judge Phillips.

/s/ Robert E. Larsen  
ROBERT E. LARSEN  
United States Magistrate Judge

Kansas City, Missouri  
February 1, 2017